

LCB File No. R079-04

PROPOSED REGULATION OF THE STATE
ENVIRONMENTAL COMMISSION

Petition 2004-18

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Concentrated Animal Feed Operations

AUTHORITY: §1, NRS 445A.425 and 445A.430.

Discharge Permits

NAC 445A.228.2.(c) is hereby amended to read as follows:

(1) Discharges from facilities which confine animals if the facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, any of the following types of animals at or in excess of the number listed for each type of animal:

- (I) ~~[Slaughter and feeder c]~~ Cattle, *veal calves, or cow/calf pairs*, 1,000;
- (II) Mature dairy cattle (whether milkers or dry cows), 700;
- (III) Swine weighing over 55 pounds, 2,500;
- (IV) *Swine weighing 55 pounds or less, 10,000;*
- (V) Horses, 500;
- (VI) Sheep *or lambs*, 10,000;
- (VII) ~~[Laying hens and broilers]~~ *Chickens*, if the animal confinement facility has ~~[continuous overflow watering]~~ *a liquid manure handling system*, ~~[100]~~*30,000*;
- (~~VIII~~XI) *Chickens (other than laying hens)* ~~[Laying hens and broilers]~~, if the animal confinement facility has *other than a* liquid manure handling system~~[s]~~, ~~125~~*30,000*; ~~[or]~~
- (~~IX~~X) *Laying hens, if the animal confinement facility has other than a liquid manure handling system, 82,000;*
- (XI) Ducks, *if the animal confinement facility has other than a liquid manure handling system, 5*~~30,000~~; *or*

*(XII) Ducks, if the animal confinement facility has a liquid manure handling system, 5,000;
and crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the animal confinement area;
and crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the animal confinement area.*

~~[(2) Discharges from facilities which confine animals if such facility or facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, a combination of animals such that the sum of the following numbers is 1,000 or greater: The number of cattle, veal calves, or cow/calf pairs multiplied by 1.00, plus the number of mature dairy cattle multiplied by 1.40, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.]~~

(2~~[3]~~) Discharges from production facilities for aquatic animals.

(3~~[4]~~) Discharges of irrigation return flow (such as tailwater, tile drainage, surfaced ground water flow or bypass water) operated by public or private organizations or natural persons if the source of water is effluent from a treatment works.

(4~~[5]~~) Discharges from any agricultural or silvicultural activity which have been identified by the Administrator or the Director as a significant contributor of pollution. *The owner of a facility identified as a significant contributor of pollution shall apply for a permit within ninety (90) days of receiving notification of the designation of the facility.*

NAC 445A.251 Recording of results of monitoring. The Director shall specify the following recording requirements for any permit which requires monitoring of the authorized discharge:

1. The holder of the permit shall maintain records of all information resulting from any monitoring activities required of it in its permit;
2. Any records of monitoring activities and results must include for all samples:
 - (a) The date, exact place and time of sampling;
 - (b) The dates that analyses were performed;
 - (c) Who performed the analyses;
 - (d) The analytical techniques or methods used; and
 - (e) The results of such analyses.~~[and]~~

3. The holder of the permit is required to retain for a minimum of 3 years any records of monitoring activities and results, including all original strip chart recording for continuous monitoring instrumentation and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the holder or when requested by the Director or Regional Administrator.

General Permits

NAC 445A.268 Application for permit; request to be included in permit; fees.

1. A general permit may be issued upon proper application by a group of dischargers whose facilities meet the requirements of NAC 445A.266. The application must include:

- (a) The name and address of the discharger;
- (b) The exact location of the discharge;
- (c) The nature of the discharge;
- (d) The name and location of the receiving waters;
- (e) The quantity and quality of the discharge; and
- (f) Any other information deemed necessary by the Director for the determination of

whether the discharger should be included in the general permit.

2. A general permit may be issued without application if the Director deems it appropriate.

3. If a general permit has been issued, a discharger who is eligible to be covered under the permit may submit a request to the Director to be included in the general permit. Such a request must include the information required by subsection 1, be accompanied by a nonrefundable fee of \$200, *or \$700 for a concentrated animal feeding operation*, and be signed in the manner prescribed by NAC 445A.231 for application and reporting forms. If such a request is denied because the Director has determined that the discharger must be covered under an individual permit, the Director must inform the holder pursuant to the provisions of NAC 445A.269.

4. A discharger will not be covered under a general permit until he has been notified by the Director.

5. A discharger who is covered under a general permit shall pay to the Director a nonrefundable fee of \$200, *or \$700 for a concentrated animal feeding operation*, not later than July 1 of each year that the discharger is covered under that permit.